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Interim Co-Lead Counsel for Plaintiff Class

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**DECLARATION OF DEAN M. HARVEY
REGARDING PLAINTIFFS'
COMPLIANCE WITH THE COURT'S
JUNE 5, 2012 CASE MANAGEMENT
ORDER**

I, Dean M. Harvey, declare:

1. I am a member in good standing of the State Bar of California and am admitted to practice in United States District Court for the Northern District of California. I am an associate with the law firm of Lieff Cabraser Heimann & Bernstein, LLP, Interim Co-Lead Counsel for Plaintiffs and the Plaintiff Class. I submit this Declaration regarding Plaintiffs' compliance with the Court's June 5, 2012 Case Management Order. (Dkt. No. 148.) I have personal knowledge of

1 the facts set forth in this Declaration. If called as a witness, I could and would testify
2 competently to them.

3 **Plaintiffs' Discovery Responses**

4 2. Defendants served their First Set of Requests for Production of Documents, and
5 their First Set of Interrogatories, on February 17, 2012.

6 3. Plaintiffs served their Responses and Objections on March 28, 2012, including
7 answers to the interrogatories regarding all Named Plaintiffs. Counsel for Plaintiffs and counsel
8 for Defendants met and conferred several times regarding Plaintiffs' discovery responses.

9 4. On March 30, 2012, the parties agreed to a production format for production of
10 electronically stored information ("ESI"). *See* Stipulation re: Production Format of Electronically
11 Stored Information (Dkt. No. 114).

12 5. At the April 18, 2012 case management conference, the Court instructed Plaintiffs
13 to be "open books" regarding their employment and compensation history. Consequently,
14 Plaintiffs acted promptly to identify and collect responsive documents without regard to: (1) time
15 period; (2) form in which the documents were maintained; or (3) employer to whom the
16 documents related. Following interviews with clients, these documents were collected from a
17 variety of electronic and paper sources, then reviewed and produced.

18 6. Plaintiffs' counsel have met and conferred with their professional vendor, and with
19 the Named Plaintiffs, several dozen times. Documents were collected from over 14 different
20 electronic systems located in at least three states, including several third party systems (such as
21 gmail and yahoo mail) that each presented their own technical challenges. Paper documents were
22 also identified and collected. Plaintiffs' professional vendor completed the first collection of
23 electronically stored information on May 4, 2012. That vendor completed other collections of
24 electronically stored information on May 11, May 14, May 17, May 18, and May 21, 2012.

25 7. These collections resulted in a total of over 100,000 documents, including a large
26 volume of ESI stored in electronic mail systems. Plaintiffs' counsel reviewed these documents
27 for responsiveness and privilege. Of these, Plaintiffs produced a total of approximately 8,329
28 documents, or 24,975 pages, constituting over 4.8 gigabytes of ESI.

8. After the Court's April 18 ruling, Plaintiffs' counsel also met and conferred with the Named Plaintiffs regarding supplementing the interrogatory responses Plaintiffs had previously served. These conferences began on May 2 and continued thereafter. Plaintiffs served supplemental interrogatory responses regarding all Named Plaintiffs. These supplemental responses were served on June 4, 5, and 7, 2012.

Plaintiffs Met The Court's Production Deadlines

9. On March 28, 2012, Plaintiffs produced documents responsive to Defendants' First set of Requests for Production of Documents. The Bates range for this production was: PLTF0000001 through PLTF0000181.

10. On June 5, 2012, Plaintiffs produced resumes for all Named Plaintiffs. The Bates ranges for this production were: PLTF_BM_0000001 through PLTF_BM_0000003; PLTF_DS_0000001 through PLTF_DS_0000031; PLTF_MD_0000001 through PLTF_MD_0000004; PLTF_MF_0000001 through PLTF_MF_0000017; and PLTF_SH_0000001 through PLTF_SH_0000017.

11. On June 8, 2012, Plaintiffs produced documents relating to the Named Plaintiffs' employment and compensation history. The Bates ranges for this production were: PLTF_BM_0000003 through PLTF_BM_0003935; PLTF_DS_0000032 through PLTF_DS_0001106; PLTF_MF_0000018 through PLTF_MF_0001069; and PLTF_SH_0000018 through PLTF_SH_0000588. This production totaled 2,381 documents.

12. On June 15, 2012, Plaintiffs completed their production of documents relating to the Named Plaintiffs' employment and compensation history. The Bates ranges for this production were PLTF_BM_0003936 through PLTF_BM_0006874; PLTF_DS_0001107 through PLTF_DS_0001117; PLTF_MD_0000005 through PLTF_MD_0013849; PLTF_MF_0001070 through PLTF_MF_0002229; and PLTF_SH_0000589 through PLTF_SH_0000906. This production totaled 5,948 documents.

13. Plaintiffs have conducted an investigation and believe, based on that investigation, that Plaintiffs have identified, gathered, and produced all responsive, non-privileged documents.

1 Pursuant to the agreement of the parties, the documents have been produced in electronic form.
2 The total volume of Plaintiffs' production is 25,156 pages.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct.

5 Executed this 18th day of June, 2012, in San Francisco, California.

6
7 /s/ Dean M. Harvey

8 DEAN M. HARVEY
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